

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

A.L., by his grandmother and natural guardian
SUZANNE L., A.N., C.N., J.N., and J.N., by
their parent and natural guardian, JENNIFER N.,
S.C., child of AMY C., individually and on behalf of
others similarly situated, and ASSOCIATES IN
COUNSELING AND CHILD GUIDANCE, INC.,

Plaintiffs,

v.

VALUE BEHAVIORAL HEALTH, INC.,
VALUE BEHAVIORAL HEALTH OF
PENNSYLVANIA, INC., VALUE OPTIONS, INC.,
NORTHWEST BEHAVIORAL HEALTH
PARTNERSHIP, INC., SOUTHWEST BEHAVIORAL
HEALTH PARTNERSHIP, INC.,
ESTELLE RICHMAN, in her official capacity as
Secretary of the Commonwealth of Pennsylvania,
Department of Public Welfare, and MERCER
COUNTY BEHAVIORAL HEALTH
COMMISSION, INC.,

Defendants.

Civil Action No. 09-113 Erie

MEMORANDUM ORDER

This civil action was received by the Clerk of Court on May 18, 2009, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 135], filed on February 24, 2010, recommended that the Plaintiffs' motion to certify class [Doc. No. 56] be dismissed without prejudice. The parties were allowed ten (10) days from the date of service to file objections. No objections were filed. After de novo review of the motion and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 12th day of March, 2010;

IT IS HEREBY ORDERED that the Plaintiffs' motion to certify class [Doc. No. 56] is DISMISSED without prejudice.

The Report and Recommendation [Doc. No. 135] of Magistrate Judge Baxter, filed on February 24, 2010, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge